

GP 2683
H11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

LUKAS LEYTEN ET AL

Serial No. 09/286,027

Filed: APRIL 5, 1999



Atty. Docket

PHN 16,819

Group Art Unit: 2683

Examiner: S. Nguyen

Title: PORTABLE COMMUNICATION DEVICE ARRANGED FOR STATE-DEPENDENTLY CONTROLLING NON-UNIFORM SELECTION PATTERNS AMONG POSSIBLE ANTENNA DIRECTIVITY CONFIGURATIONS

RECEIVED

Commissioner for Patents
Washington, D.C. 20231

NOV 08 2002

Technology Center 2600

PETITION TO WITHDRAWN HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE COMMUNICATION

Sir:

This Petition is submitted in response to a Notice of Abandonment that was mailed on September 30, 2002 (attached as Appendix A). In the Notice, the above-captioned application was stated to be abandoned for failure to timely file a proper response to the Office letter mailed on October 2, 2001. Prior to sending the notice Examiner Nguyen called in September 2002, and I advised him that we had not received an office action. On September 26, 2002 he was kind enough to fax me a copy of pages 2-8 of a Detailed Action.

In response to this Notice of Abandonment, I personally performed a review of the file and corresponding docket record

EA

(copy of the corresponding docket record is attached hereto as Appendix B) to determine if an Office letter was in fact received that was mailed on or around October 2, 2001. It was determined that an office communication mailed November 8, 2001 was received but it comprised only a cover sheet and Notice of References cited (copies of which are attached hereto as Appendix C) and copies of the references. It did not contain the Detailed Action or any indication that there were missing pages or that an office action was intended to be included. It was therefore not docketed as requiring any response. Consequently, this review showed no received communication on the docket record which required any response. I further searched the contents of the docket file and again found no copy or reference to an office action mailed on or about October 2, 2001 or any receipt of the Detailed Action prior to the Examiner providing a copy thereof by facsimile on September 26, 2002.

I then performed a search on our computerized docketing system to determine if any such Office letter or required response was noted (copy of computerized docket record for docket number PHN 16,819, corresponding to U.S. Patent Application No. 09/286,027 is attached hereto as Appendix D). I discovered no notation indicating that such Office letter or response was noted received or due for this Application.

The Applicants have made a diligent and sincere effort to clearly set out the facts and circumstances surrounding this matter and firmly believe that a sufficient showing is made thereby for this Petition to be granted and the time for response to the office action to be restarted. Notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Jack D. Slobod, Reg. 26,236
Senior Patent Counsel
(914) 333-9606
October 30, 2002

Encl:

- Append. A: Copy of Notice of Abandonment dated
September 30, 2002
- Append. B: Copy of Corresponding Docket Record
- Append. C: Copy of cover sheet and notice of references cited
for Office Communication dated November 8, 2001
- Append. D: Copy of Computerized Docket Record

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

On October 30, 2002

By Noemi Chape

Appendix A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,027	04/05/1999	LUKAS LEYTEN	PHN16819	4425

7590 09/30/2002
CORPORATE PATENT COUNSEL
U.S. PHILIPS CORPORATION
580 WHITE PLAINS ROAD
TARRYTOWN, NY 10591



EXAMINER

NGUYEN, SIMON

ART UNIT PAPER NUMBER

2683

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
NOV 08 2002
Technology Center 2600

DOCKETED	DATE	INITIAL
COMPUTER	20 OCT 04 2002	
SECRETARY		
ATTORNEY		

Notice of Abandonment

Application No.

09/286,027

Examiner

SIMON D NGUYEN

Applicant(s)

LEYTEN ET AL.

Art Unit

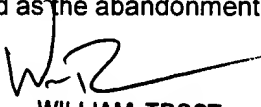
2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 October 2001.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Mr. Jack K. Slobod stated, on 9/25/02, that his office did not receive any Office Action. Since examiner has not timely received a response, the application is considered as the abandonment to open the way for the petition.


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Appendix B

INTELLECTUAL PROPERTY DEPARTMENT

07

Title A portable communication device arranged for state-dependently controlling ...

Assignee USPC

Assignment Recorded 06/10/99 Reel 10014 Frame 0759-0760

[illegible]

SER. NO. 09/286,027

FILING DATE

04/05/99

Appendix C



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SLOB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/286,027 04/05/99 LEYTEN

L PHN16819

EXAMINER

WM41/1108

CORPORATE PATENT COUNSEL
U.S. PHILIPS CORPORATION
580 WHITE PLAINS ROAD
TARRYTOWN NY 10591

NGUYEN, S	
ART UNIT	PAPER NUMBER

2683

Remail 9

DATE MAILED:

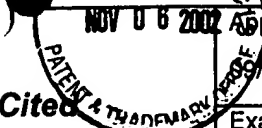
11/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

[Signature]

PC

		Application/Control No. 99/286,027	Applicant(s)/Patent Under Reexamination LEYTEN ET AL.
Notice of References Cited		Examiner SIMON D NGUYEN	Art Unit 2683
			Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number	Date	Name	Classification	
		Country Code-Number-Kind Code	MM-YYYY			
	A	US-5,559,806-	09-1996	Kurby et al.	455	13.3
	B	US-5,864,316-	01-1999	Bradley et al.	342	372
	C	US-5,610,617-	03-1997	Gans et al.	342	372
	D	US-5,281,974-	01-1994	Kuramoto et al.	342	372
	E	US-5,298,906-	03-1994	Lantagne et al.	342	372
	F	US-5,303,240-	04-1994	Borras et al.	455	25
	G	US-5,157,407-	10-1992	Omiya	342	372
	H	US- -				
	I	US- -				
	J	US- -				
	K	US- -				
	L	US- -				
	M	US- -				

FOREIGN PATENT DOCUMENTS

*		Document Number	Date	Country	Name	Classification	
		Country Code-Number-Kind Code	MM-YYYY				
	N	- -					
	O	- -					
	P	- -					
	Q	- -					
	R	- -					
	S	- -					
	T	- -					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



Appendix D

Philips IP&S as01 - KoalaTerm 3.15 - [nlpal1: Connection to as01.nl.ips.philips.com]

Connection Edit View Window Print Help

IF2A READ ONLY Patent Application Data, PHMR N 016819 30OCT2002

PH number : N 016819 PHONE EMITS AWAY FROM HEAD, POINTS TO BASE STATION
 ID number : 600020 G84189
 Basic appl. : EP P 07APR1998 PPM code : P302-04
 First inventor: L. LEYTEN
 PE basic appl : BUSCH, P. (PATRICK)
 PE group : IP&S-ML PE IP&S US: SLOB
 Outsrcagent :
 Opcodes : CE5120
 Lpcodes :
 First ISC : INTEGRATED TRANSCEIVERS (BEENKER) R8S
 MAC : 7 25MAR1998 (highest: 7 25MAR1998) RAW

Ct	Sf	St	Appl.	Filing	Nr.	Search	Exam	Line	ADO	Opp	Fee	LR	RAW
CM	60	KPENV	25MAR99	99800401.4			Conf.	N		Y			
EP	60	KPENV	25MAR99	99944142.1	Sign.				Y		Y 430		
EP P	90	KPENV	07APR98	98400839.1					N				
FR	60	KPENV	25MAR99	10-1999-701	Sign.				N				
US	60	USPC	05APR99	09/286027				Y	N				
WO	90	KPENV	25MAR99	IB99/00517	Rece.								

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 Return = Next field F10 = Prev. field End = Selection menu

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Philips IP&S as01 - KoalaTerm 3.15 - [nlpal1: Connection to as01.nl.ips.philips.com]

Connection Edit View Window Print

IF2A READ ONLY Patent Application Data, PHHR N 016819 30OCT2002

PH number : N 016819 PHONE EMITS AWAY FROM HEAD, POINTS TO BASE STATION
ID number : 600020 G84189
Basic appl. : EP P 07APR1998 PPM code : PS02-04
First inventor: L. LEYTEN
PE basic appl : BUSCH, P. (PATRICK)
PE group : IP&S-ML

UNITED STATES OF AMERICA		NORMAL		
Deadline	Advice dat	Receive	Mail	Note
30OCT2002	30OCT2002	30SEP2002		

F8 = Selection menu
PgUp = Next field PgDn = Prev. field

Ready 59M2

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